

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ELIZABETH MAE STOKES and
NINA MAE STOKES,

Plaintiff,

Case No. 15-cv-14177

v.

U.S. BANK TRUST, N.A.,
as Trustee for LSF8 Master Participation Trust and
CALIBER HOME LOANS, INC.,

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANTS' MOTION TO DISMISS, AND DISMISSING PLAINTIFFS'
COMPLAINT**

On November 13, 2015, Plaintiffs Elizabeth Mae Stokes and Nina Mae Stokes filed a complaint against Defendants U.S. Bank Trust, N.A., and Caliber Home Loans, Inc., in the Circuit Court for Isabella County challenging the foreclosure on their mortgage. Not. of Removal, ECF No. 1. Defendants removed the case on November 30, 2015. *Id.* Defendants filed a motion to dismiss Plaintiffs' complaint. They argued that Plaintiffs do not state a claim for relief in any of their seven pled counts. The case was referred to Magistrate Judge Patricia T. Morris for management of all pre-trial matters.

On June 10, 2016, Judge Morris issued a report recommending that Plaintiff's motion to dismiss be granted and that Plaintiffs' complaint be dismissed. *See Rep. & Rec.*, ECF No. 13. Judge Morris thoroughly examined the merits of each of Plaintiffs' claims for relief and found them meritless and deserving of dismissal.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 13, is **ADOPTED**.

It is further **ORDERED** that Defendants' Motion to Dismiss, ECF No. 8, is **GRANTED**.

It is further **ORDERED** that Plaintiffs' Complaint, ECF No. 1, is **DISMISSED with prejudice**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 1, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 1, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager